

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46 are pending in the application, with claims 3, 4, 15, 16, 23, 26, 27, and 42 being the independent claims. Claims 1, 2, 7, 8, 11-14, 19, 20, 24, 25, 30, and 31 are presently cancelled without prejudice to or disclaimer of the subject matter therein. New claims 34-46 are presently added. Claims 3-6, 9, 10, 15-18, 21-23, 26-29, 32, and 33 are currently amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 102***

In section 4 of the final Office Action, the Examiner maintained the rejection of claims 1-33 as being allegedly anticipated under 35 U.S.C. § 102(e) by U.S. Pub. No. 2003/0229638 to Carpenter *et al.* (hereinafter Carpenter). Applicants respectfully traverse this rejection.

The rejection will be discussed below with respect to currently pending claims 3-6, 9, 10, 15-18, 21-23, 26-29, and 32-46.

Amended independent claim 3 recites, among other features, *calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category.*

The Examiner relies on paragraphs [0054]-[0056] of Carpenter to allegedly teach this feature. Paragraph [0054] of Carpenter describes using the contents of a new job posting as query input to perform a concept based search on the resumes in the searchable content data base 46. The results of the search consist of a set of resumes that meet a relevant percent rate with respect to the job posting content. The employer corresponding to the new job posting and the candidates corresponding to the identified resumes are contacted via e-mail. Applicants assert that using the contents of a new job posting to perform a search, the results of which consist of a set of resumes, is not the same as *calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category*, as set forth in Applicants' claim 3, as amended.

Paragraph [0055] of Carpenter describes using the contents of a new resume as query input to perform a concept based search on the job postings in the searchable content database 46. The results of the search consist of a set of job postings that meet a relevant percent rate with respect to the resume content. The employers corresponding to the job posting results and the candidate corresponding to the new resume are contacted. Applicants assert that using the contents of a new resume to perform a search, the results of which consist of a set of job postings, is not the same as *calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category*, as set forth in Applicants' claim 3, as amended.

Paragraph [0056] merely describes options that are available to candidates and employers after the automatic match step 60 is performed.

Thus, Applicants assert that nothing in paragraphs [0054]-[0056] or any other portion of Carpenter teaches *calculating a ratio of resumes associated with the matched employment market category to job listings associated with the matched employment market category*, as set forth in Applicants' claim 3, as amended.

Moreover, independent claims 15, 23, and 26, all as amended, also distinguish over Carpenter for reasons similar to those set forth above with respect to independent claim 3, as amended, and further in view of their own respective features.

Furthermore, claims 5, 6, 9, and 10, which depend from independent claim 3; claims 17, 18, 21, and 22, which depend from independent claim 15; and claims 28, 29, 32, and 33, which depend from independent claim 26, also distinguish over Carpenter for reasons similar to those set forth above with respect to their independent claims, and further in view of their own respective features.

Amended independent claim 4 recites, among other features, *incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing*.

The Examiner relies on paragraphs [0036] and [0046]-[0049] of Carpenter to allegedly teach these features. The cited paragraphs are as follows:

[0036] The dedicated spidering server 12 is used to search the Internet for the employment data. FIG. 10 provides a table showing an example of employment data 28 or information available via the Internet 18. Once the employment data is located, relevant information is loaded into the database 16. The dedicated search, retrieve and process server 14 provides the user the ability to search the database 16 for employment data. Users include corporation representatives seeking to fill a position, agents working for the corporations, as well as individuals seeking an

employment position. The process server 14 also conducts automatic searches of the database for matching employment data (i.e., matching jobs and resumes).

[0046] The spider adaptation step 48 of FIG. 2 is responsible for dynamically adjusting the operating parameters of each spider. The adaptation step 48 is shown in greater detail in FIG. 6. Step 6.2 consists of reading the next site of which the content was previously processed and stored in the searchable content database 46. In the event it is determined at step 6.4 that the particular spider failed or retrieved irrelevant content (not job posting or resume related content), then step 6.10 sets the spider status as "failed" in the active spider data base 36, and at step 6.11, the Dot Com data base 30 is updated to requalify the failed site at a later time.

[0047] Step 6.5 compares the content retrieved at step 6.2 with the content previously stored in the searchable content database 46. Step 6.6 determines whether the changed limit has been exceeded. Based on the amount of changes that have occurred, the spider schedule will be adjusted accordingly. In the event the change limit has been exceeded, then step 6.12 will set the spider to run again the following day. In the event the change limit has not exceeded, then step 6.7 and 6.8 will increase the spider frequency for that particular site by an additional day if the delay is presently less than 30 days. The spider adaptation step 48 is designed to run continuously as a feedback loop between the content processing step 42 and the periodic spidering step 40. Step 48 is readily scalable, as in practice several servers can be operating in parallel to perform this step 48. As the input spidering process information flow increases, additional service can be added to handle the new load.

[0048] The aging and deletion step 50 is responsible for expiring old information in the searchable content database 46. The aging and deletion step 50 is shown in greater detail in FIG. 7. Step 7.2 reads the next record from the searchable content data base 46. Step 7.4 determines whether the document date has expired. In the event the document date has expired, step 7.5 deletes the document from the searchable content database 46. Step 50 ensures that old web sites that have been removed from the Internet are identified, and their content document sets are purged from the overall system. The aging and deletion step 50 is

designed to run continuously, and it is readily scalable, as in practice several servers can be operating in parallel to perform this aging and deletion step. As the input spidering process information flow increases, additional servers can be added to handle the new load.

[0049] The result of the foregoing provides a searchable content database 46 of job positions and resumes, which may be "manually" searched by users as well as searched via an automatic process.

In section 8 of the final Office Action, the Examiner alleges that the cited material teaches wherein a counter is updated associated with the matched resume/job posting, the counter counting the time. However, Applicants respectfully disagree.

For example, in paragraph [0036], Carpenter explains that a user has the ability to search the database 16 for employment data, and the process server 14 also conducts automatic searches of the database. In paragraph [0046], Carpenter describes updating the Dot Com data base 30 to requalify the failed site at a later time if the spider failed or retrieved irrelevant content (not job posting or resume related content). In paragraph [0047], Carpenter describes setting the spider to run again the following day if the change limit has been exceeded. In paragraph [0049], Carpenter describes deleting a document from the searchable content database 46 if the document date has expired.

Accordingly, Applicants assert that the cited material does not teach wherein a counter is updated associated with the matched resume or job posting, the counter counting the time, as alleged by the Examiner, much less *incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing*, as set forth in Applicants' claim 4, as amended.

Applicants assert that nothing in paragraphs [0036] and [0046]-[0049] or any other portion of Carpenter teaches *incrementing a first counter associated with the matched employment market category when the employment resource is a resume and incrementing a second counter associated with the matched employment market category when the employment resource is a job listing*, as set forth in Applicants' claim 4, as amended.

Moreover, independent claims 16 and 27, both as amended, and 42 also distinguish over Carpenter for reasons similar to those set forth above with respect to independent claim 4, as amended, and further in view of their own respective features.

Furthermore, claims 34-37, which depend from independent claim 4; claims 38-41, which depend from independent claim 16; and claims 43-46, which depend from independent claim 27, also distinguish over Carpenter for reasons similar to those set forth above with respect to their independent claims, and further in view of their own respective features.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection.

### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the

Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan S. Wade  
Attorney for Applicants  
Registration No. 58,228

Date: March 26, 2007

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

656962v1